

REMARKS

Entry of Amendment

As Applicants are filing a RCE herewith, this amendment should be entered and considered by the Examiner at this time.

Applicants appreciate the Examiner's allowance of Claims 15-22.

Except as explained below, Applicants are amending Claims 15, 16, 23 and 24 to correct informalities in the claims and to better claim the present invention. These amendments do not introduce any new matter and are not in response to a patentability rejection. Accordingly, it is respectfully requested that these amendments be entered and allowed at this time.

Applicants will now address the Examiner's remaining objections and rejections in the order in which they appear in the Final Rejection.

Priority

In the Final Rejection, the Examiner states that a certified copy of the priority document JP-11-318252 is not in the record.

As Applicants previously explained, as shown on the stamped return postcard, a certified copy of the JP-11-318252 was submitted with the application as filed (see also the transmittal sheet for this application filed on November 7, 2000 stating that a certified copy of JP-11-318252 was being filed with the application). Accordingly, it was respectfully requested that this objection be withdrawn and acknowledgement made of the submission of the certified copy of the priority document.

The Examiner, however, is requesting Applicants to file another certified copy of the priority rejection. While Applicants will try to obtain another copy of the certified copy, it is still requested that this objection be withdrawn in light of the prior submission and evidence of this submission.

Specification

The Examiner also objects to the abstract of the disclosure and the language used therein. In particular, the Examiner objects to the phrases involving the term “the present invention.”

In response, Applicants are amending the Abstract to delete the phrases related to “the present invention.” Accordingly, it is respectfully requested that this objection be withdrawn.

Claim Rejections - 35 USC §102

The Examiner also continues to reject Claims 23-30 under 35 USC §102(e) as being anticipated by Koike et al. (US 6,345,903). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claim 23 to recite “adhering a covering material to said insulator by said sealing material after said step of dropping said encapsulant, wherein the cover material is in contact with the sealing material.” Independent Claim 27 is being amended in a similar manner.

In the Final Rejection, the Examiner contends that Koike discloses “forming a first sealing material (21) so as to surround at least a light emitting element (15) at a plurality of places over an insulator..., dropping encapsulant (25 & 27) over the light emitting element 15..., adhering a covering material (third encapsulant 28) to the insulator (substrate 12 or 31) by the first sealing member after dropping the first encapsulant (lines 1-16 of column 6) and cutting a part of the insulator...”.

Accordingly, as is clear from the figures in Koike, and in particular, Fig. 10, the alleged cover material, third encapsulant 28, is not in contact with the alleged first sealing material 21, in contrast to and as recited in independent Claims 23 and 27 of the present application. Hence, Koike does not disclose or suggest the method of independent Claims 23 and 27.

Accordingly, Claims 23-30 are patentable over Koike, and it is respectfully requested that this rejection be withdrawn.

Conclusion

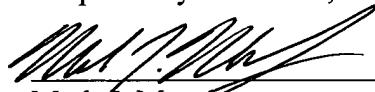
It is respectfully submitted that this application is in a condition for allowance and should be allowed.

If any further fee is due for this amendment, please charge our Deposit Account No. 50-1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: March 27, 2006



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